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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/662,538 | 09/15/2003 | David Scott Whitby | 2680.PRIC.PT | 2267 |
| 26986 | 7590 | 04/12/2006 | EXAMINER | |
| MORRISS O'BRYANT COMPAGNI, P.C. 136 SOUTH MAIN STREET SUITE 700 SALT LAKE CITY, UT 84101 | | | PARDO, THUY N | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2165 | |

DATE MAILED: 04/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/662,538 | Applicant(s) WHITBY ET AL. | |
| | Examiner Thuy Pardo | Art Unit 2165 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>3/01/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-45 are presented for examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Hsieh US Patent application Publication No. 2004/0199430.

As to claim 1, Hsieh teaches the invention substantially as claimed, comprising:

entering at least one search term as a keyword [“multilingual character” keyword, fig. 33, 35];

identifying a plurality of web sites to be searched [country A-country Z, fig. 41];

providing a database of commands and protocols for entering a keyword in the plurality of web sites [store A-store F, fig. 43; 0156-0163];

formatting the keyword so that it can be entered into a native search engine at each of the plurality of web sites [fig. 38, 41; 0118; 0149] and

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entering the formatted keyword and the commands to request a search into the native search engine used at each of the plurality of web sites [vendors, fig. 38, 39].

As to claim 16, Hsieh teaches the invention substantially as claimed, comprising:
a database for storing search criteria [databases. Fig. 2, 11-13], parsing instruction sets and search results [0127; 0133];

a search scheduler and balancer for storing searches requests in a repeatable queue, and for controlling the number of searches being performed at any given time in order to avoid overloading system resources [fig. 36, 38]; and

an XML search document editor for creating XML documents that are used to enter at least one search keyword into a native search engine of the plurality of web sites [fig. 36, 38].

As to claim 19, Hsieh teaches the invention substantially as claimed, comprising:
entering a name for the product or service to be offered for sale [fig. 36; 42];
entering a description of the product or the service [fig;
storing the name and the description of the product or the service in a database [330-358 of fig. 15C];

identifying the plurality of web sites on which the product or the service is to be offered for sale [list of vendors for sale, fig. 53];

formatting the name and the description of the product or the service so that the terms can be received by each of the plurality of web sites to which the terms are transmitted [fig. 53-54];
and

transmitting the formatted terms to the identified plurality of web sites [fig. 53-54].

As to claims 28 and 43, all limitations of these claims have been addressed in the analysis of claims 1, 16 and 19 above, and these claims are rejected on that basis.

As to claim 2, Hsieh teaches the invention substantially as claimed. Hsieh further teaches transmitting the search results to an email address [0080].

As to claim 3, Hsieh teaches the invention substantially as claimed. Hsieh further storing the parsed search results in the database [4538 of fig. 45].

As to claim 4, Hsieh teaches the invention substantially as claimed. Hsieh further teaches adding to the parsed search results stored in the database so as to reflect incremental increases in the parsed search results 4538 of fig. 45; 0423].

As to claim 5, Hsieh teaches the invention substantially as claimed. Hsieh further teaches adding a time stamp to each of the parsed search results [4422 of fig. 44].

As to claim 6, Hsieh teaches the invention substantially as claimed. Hsieh further teaches transmitting the incremental increases in the parsed search results to the email address, to thereby avoid resending all the search results for any of the plurality of web sites [fig. 44-45].

As to claim 7, Hsieh teaches the invention substantially as claimed. Hsieh further teaches batching the transmission of incremental increases in the parsed search results to thereby prevent the email address from constantly receiving search results as they are received [fig. 44-45].

As to claim 8, Hsieh teaches the invention substantially as claimed. Hsieh further teaches automatically repeating step 5 of claim 1 at a user selectable interval of time to thereby enable the search to be repeated a plurality of times each day [0367].

As to claim 10, Hsieh teaches the invention substantially as claimed. Hsieh further teaches selecting from a category of web sites that are associated with the product or service to be searched for to thereby eliminate overhead by not having to search all known web sites [0080; 0140; 0152; 0373].

As to claim 11, Hsieh teaches the invention substantially as claimed. Hsieh further teaches selecting from a geographical region in order to limit overhead by not having to search all known web sites [0386-0388; countries: Norway, Germany, Italy, Canada, Hong Kong, US, fig. 53-54].

As to claim 12, Hsieh teaches the invention substantially as claimed. Hsieh further teaches selecting a plurality of web sites to search from a list of category and region limited web sites [0080; 0140; 0152; 0373].

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As to claim 13, Hsieh teaches the invention substantially as claimed. Hsieh further teaches generating an XML document, wherein the XML document is transmitted to a corresponding one of the plurality of web sites to thereby enter in a keyword into the native search engine [ab; 0185; 0467].

As to claim 14, Hsieh teaches the invention substantially as claimed. Hsieh further teaches registering a user, wherein the user provides an email address to which search results are to be transmitted [0080; 0373].

As to claim 15, Hsieh teaches the invention substantially as claimed. Hsieh further teaches providing a plurality of parsing instruction sets that are stored in the database, wherein each of the plurality of parsing instruction sets corresponds to at least one of the plurality of web sites to be searched [0040; 0115-0123].

As to claim 20, Hsieh teaches the invention substantially as claimed. Hsieh further teaches retrieving commands and protocols from the database to thereby format the terms for each of the plurality of web sites [0128-0151].

As to claims 9, 13, 14, 17, 18, 21-27, 29-42, 44 and 45, all limitations of these claims have been addressed in the analysis above, and these claims are rejected on that basis.

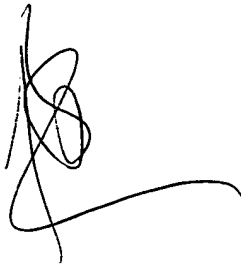
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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Thur.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

April 07, 2006

A handwritten signature in black ink, appearing to be 'Thuy N. Pardo', with a stylized, flowing script.

THUY N. PARDO
PRIMARY EXAMINER